



Entered on Docket  
June 12, 2008

Kim Ri

**Hon. Linda B. Riegle  
United States Bankruptcy Judge**

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*Attorneys for USA/CM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA Commercial Mortgage Company,  
USA Capital Realty Advisors, LLC,  
USA Capital Diversified Trust Deed Fund, LLC,  
USA Capital First Trust Deed Fund, LLC,<sup>1</sup>  
USA Securities, LLC,<sup>2</sup> Debtors

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SIXTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE PALM  
SPRINGS MARQUIS HOTEL LOAN**

Hearing Date: June 9, 2008  
Hearing Time: 9:30 a.m.

## Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Sixth Omnibus  
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon  
3 Investment in the Palm Springs Marquis Hotel Loan (the "Objection") [DE 6295].  
4 Adequate notice of the Objection was given. The Court heard the Objection on June 9,  
5 2008. No responses were filed to the Objection and no opposition was raised at the  
6 hearing. Good cause appearing,

7 IT IS ORDERED:

8

- 9 • Sustaining the Objection;
- 10 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they  
11 are based upon an investment in the Palm Springs Marquis Hotel Loan. The  
12 Proofs of Claim listed in Exhibit A are not affected by this order to the extent  
13 they are based upon an investment in a loan(s) other than the Palm Springs  
14 Marquis Hotel Loan; and
- 15 • Reserving the right of any party in interest, including the USACM Trust, to  
16 further object to the Proofs of Claim listed on Exhibit A attached.

17 #####

18 PREPARED AND SUBMITTED:

19 **LEWIS AND ROCA LLP**

20 By: /s/ RC (#0006593)  
21 Susan M. Freeman  
22 Rob Charles  
23 John Hinderaker  
24 *Attorneys for USACM Liquidating Trust*

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

3  The Court waived the requirements of approval under LR 9021.

4  No parties appeared or filed written objections, and there is no trustee appointed  
5 in the case.

6  No opposition was filed to the motion and no other party or counsel appeared at  
7 the hearing.

8  I have delivered a copy of this proposed order to all attorneys and unrepresented  
9 parties who have appeared at the hearing, and any trustee appointed in the case,  
10 and each has approved or disapproved the order, or failed to respond, as  
11 indicated below:

12 **LEWIS AND ROCA LLP**

13 By: /s/ RC (#0006593)  
14 Susan M. Freeman  
15 Rob Charles  
16 John Hinderaker  
17 *Attorneys for USACM Liquidating Trust*